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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,745	10/23/2001	Daniel E. Boss	403391	9390

7590 03/24/2003

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EXAMINER

CHANG, YEAN HSI

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 03/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/014,745

Applicant(s)

BOSS ET AL.

Examiner

Yean-Hsi Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 and 3. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-9 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Johnson et al.

Johnson teaches a bracket for supporting a disk drive assembly, comprising:

- A laminated body of sheet material (14, fig. 3) having two outer layers (17 and 19, fig. 3) formed of metal and an inner layer (20, fig. 3) formed of a viscoelastic material and joining the outer layers (see col. 3, lines 47-54) (claims 1 and 7)

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- The body being formed into a generally channel-shaped configuration (fig. 2) having a base wall (14b, fig. 2) and two side walls (14a, fig. 2) extending from opposed sides of the base wall and two flanges (22, fig. 2) respectively extending from the side walls (claims 1 and 7)
- At least one of the base wall and the side walls having openings therethrough (24, fig. 2) (claims 1 and 7)
- Wherein each of the walls is a flat, substantially rectangular wall (see fig. 2) (claim 2)
- Wherein the openings are formed in each of the base wall and the side walls (see fig. 2) (claims 3 and 9)
- Wherein each of the flanges has a plurality of openings therethrough (see fig. 2) (claims 4 and 14)
- End walls (16, fig. 2) integral with the base wall and extending therefrom in a direction opposite to the side walls (claims 5 and 6)
- A disk drive assembly (12, fig. 1) (claim 7)
- A plurality of fasteners (21, fig. 3) respectively received through the openings and engageable with the disk drive assembly (see col. 3, lines 24-27) (claim 7)
- Wherein the disk drive assembly is spaced from the base wall (fig. 1) (claim 8)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. in view of Jo (US 6,005,768).

Johnson discloses the claimed invention except the disk drive assembly being in contact with the base wall. However, Jo teaches a bracket (50, fig. 3) having a base wall (52, fig. 3) with openings (53, fig. 3) for fixing a disk drive (12, fig. 3) in contact with the base wall. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Johnson et al. with the bracket taught by Jo such that the bracket may be used to support a disk drive assembly which could not be fixed to the side walls.

5. Claims 11-12 and 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. in view of Pottebaum (US 5,666,239) and DeLuca et al. (US 5,333,098).

Johnson discloses the claimed invention except indicating the disk drive assembly having a printed circuit board being in contact with the base wall. However, Pottebaum teaches a disk drive assembly (10, fig. 3) having a printed circuit board (92,

fig. 3) in the bottom side, and DeLuca teaches a disk drive assembly (200, fig. 1) having its bottom side disposed in contact with one surface of the base wall of a bracket (182, fig. 1) having side walls extending on the same one surface, and a disk drive assembly (186, fig. 1) having its bottom side disposed in contact with one surface of the base wall of a bracket (184, fig. 1) having side walls extending on the other surface. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Johnson with the disk drive assembly taught by Pottebaum, and with either one of the mounting methods taught by DeLuca such that the disk drive assembly may be mounted on the bracket with more flexibility to fit into an available space. The method of damping in a disk drive assembly claimed in claims 16-20 is obviously disclosed in the related specifications of the cited references.

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. in view of Hoppal et al. (US 5,195,022).

Johnson discloses the claimed invention except elastomeric grommets encircling each fastener respectively on opposite sides of the wall through which the fastener extends. However, Hoppal teaches an elastomeric grommet (506, fig. 5) for encircling each fastener (502, fig. 5) on opposite sides of a wall (418, fig. 5). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Johnson et al. with the grommet taught by Hoppal et al. for a high damping characteristic.

7. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. in view of Pottebaum and DeLuca et al., further in view of Hoppal et al.

Johnson et al. in view of Pottebaum and DeLuca et al. discloses the claimed invention except the method of cushioning each fastener with elastomeric grommets respectively disposed on opposite sides of the wall through which the fastener passes. However, Hoppal teaches a method of cushioning a fastener (502, fig. 5) with an elastomeric grommet (506, fig. 5) respectively disposed on opposite sides of a wall (418, fig. 5) through which the fastener passes. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Johnson et al. in view of Pottebaum and DeLuca et al. with the method of cushioning taught by Hoppal for the purpose of obtaining a high damping characteristic.

Correspondence

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yean-Hsi Chang whose telephone number is (703) 306-5798. The examiner can normally be reached on 07:30-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (703) 308-4815. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3431 for regular communications and for After Final communications. There are

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RightFAX numbers and provide the fax sender with an auto-reply fax verifying receipt by the USPTO: Before-Final (703-872-9318) and After-Final (703-872-9319).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 305-8558.

Yean-Hsi Chang
Patent Examiner
Art Unit: 2835
March 15, 2003



DARREN SCHUBERG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

